



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
61 FORSYTH STREET, SW  
ATLANTA, GA 30303

### **MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Daniel Blackman  
Regional Administrator

TO: Michael S. Regan  
Administrator

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This recusal statement formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed.

#### *FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

#### *Particular Matters Involving Specific Parties*

Given my relationships or financial holdings with the following entities, I am disqualified from participating personally and substantially in any particular matter that will have a direct and predictable effect upon them as a specific party:

<b>RECUSAL LIST – SPECIFIC PARTY MATTERS</b>
BookLogix
Conscious Animal, LLC
MOON Ultra, Inc.
Oculus VisionTech Inc.

### *Particular Matters of General Applicability*

Because of the current level of my financial ownership, I am also disqualified from participating personally and substantially in any particular matter of general applicability that is focused on the interests of any individual discrete and identifiable class of “persons” (identified as “sectors” below). This prohibition extends to each class (or sector) individually. If a matter affects all sectors or if a particular matter affects a combination of sectors, including the ones listed below, then I understand that I do not have a financial conflict of interest.

<b>RECUSAL LIST –SECTORS</b>	
Cyber-security and data protection	Mobile lighting accessories

### *OBLIGATIONS UNDER EXECUTIVE ORDER 13989*

Pursuant to Section 1, Paragraph 2 of Executive Order 13989, I understand that I am prohibited from participating in any particular matter involving specific parties in which a former employer or former client is a party or represents a party. Set forth in the charts below are my former employers identified in consultation with OGC/Ethics that have or may have environmental interests that could potentially arise with respect to my duties here at EPA. I understand that my recusal with these entities will last for two years from the date that I joined federal service. This recusal will end on **November 28, 2023**.

<b>Former Employers</b>
American Civil Liberties Union (ACLU)
The Martin Luther King, Jr. Center for Nonviolent Social Change
Russell Center for Innovation and Entrepreneurship
Sierra Club

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”<sup>1</sup> Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” I will consult with OGC/Ethics and the regional ethics counsel.

### *DIRECTIVE AND CONCLUSION*

To avoid participating in any of the matters from which I am recused, please refer those matters to the attention of the Deputy Regional Administrator, currently Fred Thompson serving in an acting capacity, without my knowledge or involvement. Therefore, I should not be sent or

<sup>1</sup> See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

copied on substantive emails, attend meetings, or participate in any discussions, make recommendations, or otherwise make decisions with regard to a particular matter covered by my refusal. Official actions on such matter should be made without my recommendation, knowledge, or involvement.

Any inquiries regarding the extent of my recusals should be directed to the Region's ethics team or OGC/Ethics. In the event that my circumstances change, including changes in my financial interests, my personal or business relationships, or my EPA duties, then I will consult with OGC/Ethics and update my refusal statement accordingly.

cc: Janet McCabe, Deputy Administrator  
Dan Utech, Chief of Staff  
Fred Thompson, Acting Deputy Regional Administrator, Region 4  
John Nicholson, Chief of Staff, Region 4  
Leif Palmer, Regional Counsel, Region 4  
John Sheesley, Regional Ethics Counsel  
Justina Fugh, Director, Ethics Office